Previous references.

1906-7
Gl. Judicial

File No. 141 of 10

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7, 9, 10, 12, 13 & 14

Part B. for August

SUBJECT.

Mysore Public Prosecutors bill on account of fees in connection with the Suit against Dawood Sahe

From the Deputy Commr, Mysore Dist
No: 890 Dy 28/2/06
Submits a bill in original Countersigned for Rs 235.7.9 by the Sub judge of Mysore received from the Public Prosecutor of Mysore on account of his fees for having filed and Conducted the Civil Suit and the execution case against Dawood Sahe Hardware Manufacturer, Mysore and requests Sanction for the Same

58

To the Dy Comr, Mysore Dt.
No: H6486 Dt 2-4-06
Requests to be furnished with Copies of the decree passed in C.S. No: 8 of 04-05 and of the order of the Court in the execn Case No: 506 of 04-05

From the Dy Comr Mysore Dist
No: 12628 5-6-06
Sends Copies of the decree & the order as required in Sl 9.

To the Deputy Comr, Mysore Dist
No: H8954 Dt 30-6-06
Enquires if the Cost of Sale paid to the Court by the judgment Debtor includ the decree holder's advocate's fee in the execution proceedings and if so the Amount thereof

From the Dy Comr Mysore Dist
No: 107 Dt 28/7/06
Forwards Copy of the Public Prosecutors letter of the 13th July 1906 stating that the advocate's fees are not included in the Costs of Sale paid to the Court which amounted to only Rs 2-4-0

To the Dy Comr Mysore & Compltr
No: H 1819-20 Dt 29-8-06
Sanctions the bill for Rs 156-15-9 for Conducting the Suit and as regards the Public Prosecutor's fees for Conducting the execution proceedings observes that only a fourth of the fees for the original Suit viz Rs 39-4-0 is allowed ~~to~~ instead of Rs 79-8-0 as claimed ~~that~~ the claim is in any Case ~~be~~ premature seeing that the execution proceedings have but just begun.

1905

GENERAL AND REVENUE SECRETARIAT.

Ellaman

NOTES.

File No. 141/05

FILE HEADING.

Bill on account of Fees due to the Public Prosecutor of Mysore for handing, filed & Conducted the Civil Suit-agreed Dawood Sait, Asturaw Manufacturer, Mysore

From

The Mysore Resident

No. 890 Dated 28/2/06 Received 2-3-06

Diary No. 3615	Enclos. 1	Spare Copies.	Serial No. 7

BRIEF ABSTRACT OF LETTER.

Submits a bill in original Countersigned for Rs. 235-7-9 by the Sub Judge of Mysore, received from the Public Prosecutor, Mysore on account of his fees for having handled & conducted the civil suit of the Government against Dawood Sait Asturaw Manufacturer, & one & proceeds sanction for the same.

NOTES AND ORDERS.

The Govt. under No. H 1564/1901-01 dt. 12-12-03. legal steps ~~for~~ in this were ordered to be taken for the recovery of this amount due from Dawood Sait, Asturaw Manufacturer. The Resident submits

G.R.S. 12]

General and Revenue Secretariat.

File No. 141 of 1905

Serial No.

for taxation a bill for Rs 235-7-
received from Public Prosecu-
tor Surat on account of his
fees for having filed and
conducted the civil suit and
the Execution Case against the
above said Dadoo Sheth. The
bill is countersigned by the
Public Prosecutor Surat

Submitted for orders

20/3/06

To effect payment as per rule

24/3/06

Sanctioned by Govt

24/3/06

May I ask the Dy. Secy to see if the bill is all right

26-3-1906

Submitted by sending

8/3/06

Please call for copies of the decree in the Civil suit & the order in the Exn. Case. Which of the amounts now claimed were awarded as costs.

1/3/06

Submitted

30-3-06

Paid 30/3/1906

24/3/06

GEB—30,000—23 10-05

Gen Fin File No. 141 of 1905.

To. The Deputy Comr, Rupar Dt

No. 76; 6486 dated 2.4.06.

Requests to be furnished with copies of the decree passed in C.S. No. 8 of 04-05, and of the order of the Court in the Execution case No. 506 of 04-05.

From. The Deputy Comr, Rupar Dt.

No. 1262 dated 5.6.06.

Sends copies of the decree & the order as req'd in Sl. 9.

Instead of forwarding a copy of the order in the Execution case No 506 of 1904-5, the Dy Comr forwards a copy of ~~the~~ order in this case No 15-5 of 1905-6. May the Deputy Comr now requested to send a copy of the former. Submitted with a draft

ms The fee charged for certified copies L.R. 156-15-9
9/6/06. the original suit is what has been awarded by the Court, but that for the Execution proceedings which have just begun seems somewhat excessive.

~~Recommended to be~~

ms 9/6 This may be sent to Dist - The copies req'd were required by the Dy Secy to enable him to form his opinion in the matter. ms 12-6-06

J. No 111

ms 12/6/06. Rec'd Sahib

GMB—50,000—13.10.05.

13/6/06

T.W. Rec'd 9/6/06.

G.R.S. 12]
General and Revenue Secretariat.

File No. 141 of 1905/06

Serial No.

There has been part satisfaction of the decree & judgment-debtor has paid the 'costs of sale'.

Enquire if the costs of sale paid to the Court by the judgment-debtor include the decree holder's advocate's fee in the execution proceedings, and if so the amount thereof.

(Note - The advocate would under the rules seem to be entitled to one-fourth of the amount awarded in the suit; but he has claimed one-half, reading apparently rule 1 irrespective of the proviso).

16.6.06

Please write for the information required. rule 20/6/06

Submitted with a draft

Issue 25/6/06

22/6/06

To the Deputy Commissioner, Mysore Distr

No: H 8954 dated 30.6.06

Enquires if the costs of Sale paid to the Court by the judgment Debtor include the decree holder's advocate fee in the execution proceeding, and if so the, amount thereof.

From the Deputy Comr., Mysore Dist

No: 107 of 28.7.06

—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

Gl-Tinnevelly File No. 141 of 1905 06

Serial No.

Forwards Copy of the Public Prosecutor's letter of the 13th July 1906 stating that the advocate's fees are not included in the Costs of Sale paid to the Court which amounted to only Rs 2"4"0.

The Public Prosecutor's bill consists of 2 items: —

1) Rs: 156-15-9 for conducting the Civil Suit.

2) Rs: 78-8-0 for appearing in the Execution

The first is awarded in the Original decree - [half the rates because of compromise]; the second is not allowed in the Miscellaneous case staying the Execution of the decree for one year.

The first claim seems to be tenable under the Rule of Practice contained in G.O: No: 1726 of 31.6.1897. The second is based on the Rule of Practice contained in G.O: No: 553 / 605 of the 19.11.1900, which however lays down that the rate prescribed shall not be exceeded whatever may be the no: of applications for Execution. A mere Stay of the Execution for a definite period does not seem to entitle the advocate to claim his fees as though the Execution case had been finally disposed of.

Submitted for orders with references.

K.S. 31/8/06.

May this be sent to Yes - sent 6.8.06

To Board

Cov: 7.

G.P.O.—50,000—23-10-05

Serial No.

~~Subd for orders.~~

1st item in the bill, viz. fees for conducting the suit Rs 156.15.9; is all right & may be passed. The bill of fees for appearing in execution case should be reduced to 1/4th of the fees awarded for original suit, viz 1/4 of Rs 156-15-9. (vide Govt Order No. 5537/1605 d: 19-10-06 SW 8/8/06 NDL 5-8-06 In the original suit only half the usual fees were awarded as the case was undefended - In the execution proceedings the fees should be only 1/4th of the fees for the original suit viz. Rs 39-4, instead of Rs 79-8 as claimed. Even this amount cannot be passed now because the execution proceedings have not yet been concluded The 1st item only, may be passed now -

See 1) 9.8.06

This may be Subd. with a draft in accordance with the above views -

mnll 19.8.06

Draft Subd & Secy

K.S. 20/8/06. mnll 22.8.06

Approved

27/8/06

G.R.S. 12]

General and Revenue Secretariat.

Gen Fin File No. 141 of 1905-06

Serial No 14

To the Dy Comr Mysore & Comptroller
No: H 1819-20 & 29-8-06
Sanctions the bill for Rs 156-15-4
for Conducting the suit and as
regards the Public Prosecutor's fees &
Conducting the execution proceedings
observes that only a fourth of the
fees for the original suit, viz Rs 39-4
is allowable instead of Rs 79-8-0
as claimed and that the claim
is in any case premature seeing that
the execution proceedings have
not just begun.

H. W. Chambers Esq
Commissioner
Mysore Division

To B. K. Venkataranada Iyengar Esq
Secy to the Govt of Mysore
Ry & Rev departments

Dated 28th February 06 Bangalore

Despatched

Received

General No. 890
No.

Enclosure No. 1

Re the loan due to Govt by Sandal Wood and Ivory Manufacturers at Mysore

Mysore Residency

Dated Mysore 28th February 1906

B R Sreekantaradhyaru Esqr

Secretary to the Government of Mysore

General and Revenue Departments

Sir

Adverting to the correspondence ending with your letter No. Jl. 4800-8 Jl 141-05-6 dated the 1st February 1905 re the loan due to Government by Dawood Sahib, Earthenware Manufacturer at Mysore, I have the honour to submit herewith a bill in original countersigned for Rs 235-7-9 by the Subordinate Judge of Mysore, received with letter No 47-3253 dated the 10th February 1906, from the Public Prosecutor of Mysore on account of his fees for having filed and conducted the Civil Suit and the execution case against the above said Dawood Sahib and to request that you will be so good as to obtain Government sanction for

Mon Cher Ami -

Ihave the honor

Sir,

Your most obedient servant

Thos Spooner

Deputy Commissioner

Revenue Dept

Cuttack

File No 44/05

Serial No. 89

Diary No. of letter replied to 3613 / 3640

No. Jl 64486

General and Revenue Secretariat

( )

, *the* 2 - 4 —— 1906.

To Dy Commr.

The ~~Sub~~ Jr. C

Bijapur

Date of issue do

Signed by W. M. Krishnaiya

with ref. to his letter No 8905 dt. 28-2-06
re the Coorg Grants & Govt. Sahukar
has the honour to
request that he will
be good enough to inform
this office whether the case
of the decree passed
in C.S. No 8 of 1904-05
and the order of the Court
in the case
No 5 of 1904-5 R.A.
~~of the Court below~~
~~of the Court below~~

By order

30/3/1906

over.

GK mnk 2-4-06

11 am 12/6/06 1906

From

The D/Commissioner

Mysore Dist

To

The Secretary

Govt Revn Depts.

Dated 5

Despatched 6 June '06

Received

General No. 1262

No.

Enclosure No. 2

Sends copies of ord

decrees required

pore Deputy Commissioners Office
Dated Mysore 5th June 1906

B.K. Venkatavaradachargar Esq
Secretary to the Government
General and Revenue Departments.

Sir,

As called for in your docket No:
He 6486. GOL 141-05-8 dated the 2d April 1906
I have the honor to forward herewith copies of
the decree in Civil Suit No: 8 of 1904-05 and of the
order in Execution case no 506 of 1904-05 on the
file of the Sub Judge, Mysore (Government Vs Dawood Sab)
received with the Mysore Public Prosecutor's letter no:
--- --- dated 30th May 1906.

I have the honor to be
Sir
Your most obedient Servant

H H Sparks
Dy Commissioner
Mysore District

File No. 4,

Serial No. 11

Diary No. of letter replied to 5783

No. H 8954

General and Revenue Secretariat

(Gen Fri)

, *the* 30—6—1906.

To The Deputy Commissioner of the Mysore Distr

Date of issue do

Signed by W M M Krishna

Sir,

Adverting to correspondence ending with your letter no 1262 dated the 5th June 1906 & in re the recovery of loan granted to Dawood Sab, artisan manufacturer, Mysore, I am directed to state that it appears from the copies of the orders passed by the Court and received with the above letter that there has been part satisfaction of the decree and that the judgement-debtor has

paid the costs of sale". I am
therefore to enquire if the
costs of sale paid to the court
by the judgement debtor include
the decreeholder's advocate's
fee in the execution proceedings
and if so, the amount thereof
may be intimated. I am etc.

Deputy
Dr Secretary
25/6/06

ns.
22/6/06.

From The Commissioner Mysore

To The Secretary Jail & Rev Depts.

Dated 28

Despatched 30 July 96

Received

General No. 107

No.

Enclosure No. 1

States that the Costs of Suit paid by David Sahib do accrue to Govt

Deputy Commissioner's Office,
Mysore District.
Dated Mysore 28th July 1906.

To,

R. S. Chandrasekhara Iyer Esq,
B.A., B.L.
Secretary to the Government
of Mysore.
Genl: and Rev: Departments,
Bangalore.

Sir,

Adverting to correspondence ending with your letter No. Fl 8954 / G.F. 141-05-11 dated the 30th June 1906 re the loan granted to Davood Sah, enquiring whether the cost of sale paid to the Court by the judgment-debtor include the Decreeholder's Advocate's fees, I have the honour to forward herewith a copy of the Public Prosecutor's letter No. 2189 dated the 13th instant stating that the Advocate's fees are not included in the costs of sale paid to the Court, which amounted to only Rs: 2-4-4 (Two and annas four only).

I have the honour to be,
Sir,
Your most obedient Servant

Deputy Commissioner,
Mysore District

No 2.

13th July 1906,
Mysore.

From,

The Public Prosecutor
Mysore Division,

To,

The Deputy Commissioner,
Mysore District.

Sir,

In reply to your docket No 59 dated 06 enquiring if the decree holder's (Government) advocate's fees in the Execution proceedings against Devoo Sah are included in the "costs of sale" paid by him I have the honour to state that they are not so included. The costs of sale paid by Devoo Sah consisted of Rupees Two and annas four made up as follows.
(1) One and a half rupee's worth of Court fee stamps for a fresh warrant of sale (2) eight annas stamps for proclamation of sale and (3) four annas in cash being town fee.

I have &c

M. R. A. Krishna Iyengar.
Public Prosecutor
Mysore Division

"Copy

Submitted

Deputy Commissioner.
Mysore District

G.R.S. 28]

3-9

File No. 141-05-

Serial No. 14 15

No 7L 1819-20

Diary No. of letter replid to 515

Proceedings of the Government of His Highness the Maharaja of Mysore.

& 29-8-06

GENERAL AND REVENUE SECRETARIAT.
(Gen: Sn)

the 29-8-1906

Date of issue —do—

Signed by W. Meredith

READ—

correspondence, ending with letter No: 1070 dtd 28-7-06, from the Deputy Comr of the Mysore Dt: Soliciting Sanction to a bill for Rs: 235-7-9, as particularised in the margin, in favor of the Public Prosecutor of Mysore, on account of his fees for conducting the Civil Suit & the Execution case filed by Govt against Dawood Sab Attwane manufacturer, Mysore.

ORDER THEREON. No.

56-15-9 for conducting the Civil Suit No: 8 of 1904-5 ~~filed~~ on the file of the Subjudge at Mysore.

18-8-0. for conducting the Execution of the said decree.

5-7-9. Total.

No 7L 1819-20 order thereon:

& 29-8-06

over

The bill is ~~sanctioned~~ for conducting the sales is sanctioned
Rs: 156-15-9 & forwarded to
the Comptroller for audit.

The fees claimed for conducting the Executions are withheld, because the Execution proceedings have not yet been concluded.

Secretary.

To the Sub Court, Tenpone st.

To the Comptroller with the bill.

K.S.
20.8.06.

2. As regards the Public Prosecutors fee for Conducting the execution proceedings it is observed that under G.O no 5-537 Judl dt 19-10-06 the Collector is entitled to only a fourth of the fee for the original suit viz Rs 39-4-0 is allowable instead of Rs 79-8-0 as claimed and that the claim is premature seeing that the execution proceedings have just begun.